

**FINAL**  
**BLOOMFIELD TOWN COUNCIL**

There was a regular meeting of the Bloomfield Town Council held at 7:30 p.m. on Monday, January 25, 2016 in Council Chambers, Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, CT.

Present were: Mayor Joan Gamble, Deputy Mayor Sydney Schulman, Councilors Wayne Hypolite, Derrick Seldon, Joel Neuwirth, Patrick DeLorenzo, Leon Rivers and Joseph Washington

Also present were: Philip K. Schenck, Jr., Town Manager, Sharron Howe, Assistant to the Town Manager, Attorney Marc Needelman and India M. Rodgers, Clerk of Council

Absent was: Councilor Joseph Merritt

**PLEDGE OF ALLEGIANCE**

The meeting began with the pledge of allegiance to the flag.

**ANNOUCEMENTS & PRESENTATIONS**

Mayor Gamble read statements from Niagara Bottling Company declining the invitation to be present at tonight's meeting. She also read a letter from Mr. Jerry Long, Chair of the Economic Development Commission in favor of Niagara Bottling coming to Bloomfield.

Councilor Hypolite requested a point of clarification regarding an e-mail referencing Niagara receiving a dually signed tax abatement agreement and when it was actually sent to Niagara.

Mayor Gamble stated that once Niagara signed the proposal agreement with the town, the contract was binding.

Deputy Mayor Schulman clarified the timeline for signatures from the Town Manager's Office, notarization of the document and the concept of delivery is not necessary.

Attorney Marc Needelman submitted his written opinion that stated once Niagara accepted the terms that the town offered and received, the contract was binding. The signed contract was sent by Niagara on January 8, 2016 and the Town Manager signed the contract on January 11, 2016. The agreement was transmitted to Niagara last week via the Town Attorney. The physical delivery is not a relevant legal issue.

## **CITIZEN STATEMENTS & PETITIONS**

1. **Keith Ainsworth, 51 Elm Street, New Haven, CT,** is an Environmental lawyer with 25 years of experience representing numerous organizations, such as Bloomfield Citizens.org. Attorney Ainsworth stated his position on the following issues:
  - Disagree with Town Attorney's decision on delivery of contract
  - Town Council motion in his opinion was in order with respecting opinions of citizenry
  - The contract is for abatement of taxes and can be revoked
  - Requesting the Council to reconsider their original motion of approval for the tax abatement agreement
  - Niagara lack of concern to be present and answer questions of citizens
  - Niagara should have considered a public session with citizens to ask questions
  - Bloomfield Citizens.org remain committed to pursuing all legal options
  - Niagara kept their identity a secret during permitting process
  - In addition, Niagara didn't disclose the magnitude of their operation
  - Is this the right business that will benefit the town for long term economic development?
2. **Guthrie Sayen, 27 Rundelane** spoke regarding recovering from making mistakes within town government. He expressed concerns regarding the permitting process and its flaws, no opportunity for public input and no referral for an environmental review. Mr. Sayen also mentioned drafted proposed legislation to address missteps in these issues from State Representative David Baram. He also recommended to the town to obtain a traffic study and detailed cost benefit analysis for this project.
3. **Jane Nodel-Klein, 82 Tariffville Road,** reviewed the process and timeline of this project thus far. She stated that this process should be open and transparent and urged the Council to look at other communities which reveals Niagara's lack of commitment. Is this how we what business to be conducted in Bloomfield?
4. **Kevin Gough, 5 Bear Ridge Drive,** presented a cost benefit financial analysis and gave a brief overview of its impact on the town during the approved tax abatement period with Niagara. He reminded the Council of their commitment and duty to be fiscally responsible.
5. **Valerie Rossetti, 88 Kenmore Road,** expressed her disappointment of the Council's decision on this project. She stated that the process went array and would have liked the opportunity to ask questions to Niagara. Ms. Rossetti mentioned that water is a precious commodity and is concerned about utilizing 1.8 million gallons for Niagara. In addition, concerns about possible drought focused on 50% capacity, in which the state can mandate conservation. However, the public has no priority at this time with the State of Connecticut Emergency Water Plan.

She recommends reviewing the Town Plan and Zoning and Inland Wetlands application requirements and process, plan for better environmental concerns with economic development efforts and change in state laws.

6. **Patricia Barone, 27 Rundelane,** asked the Council to reconsider the tax abatement agreement. She spoke regarding climate change with pollutant concerns. It was noted that approximately 3,833,280,000 single use water bottles will be produced on 4 bottling lines for the year at Niagara.
7. **Mark Shapiro, 8 Hampton Lane,** spoke regarding the employment impact in Bloomfield with promoting living wage offered by Niagara. Current statistics for Hartford County outline the living wage as: \$11.70 per hour for 1 adult, 1 adult/1 child – \$26.14 and 1 adult/3children – \$37.92. Employees will be required to work 12 hour shifts that seasonal and not all full time positions. There is a website on with employee reviews criticizing Niagara regarding worker's pay, benefits, etc.
8. **Paula Jones, 5 Bear Ridge Drive,** mentioned a 12/13/2012 Hartford Courant article regarding the Portland Agreement with the MDC. This article identifies constraints of any oral or written agreements with the Farmington River Watershed Association and Eileen Fielding. She urged Council to get the full picture of all information obtained and be skeptical moving forward.
9. **Connie Clifford, 162 School Street,** stated that the east side of town does have concerns with opposition to this project and how the entire issue was handled.
10. **Diane Mack, West Hartford,** urged the Council to reconsider their decision regarding the tax abatement with Niagara.
11. **Mark Saunders, 13 Pent Road,** issue plastic bottling, incentives and conservation of water. He also expressed concerned with the MDC high volume discounted rate and asked the Council to reconsider.
12. **Hannah Roditi, 12 Beacon Hill Road,** spoke regarding follow up of a golf course complaint made at the last Council meeting regarding walking on the course. She is asking for golf subcommittee to submit proposal to build a walkway for residents.
13. **Margo Hennebach, 13 Pent Road,** submitted Bloomfield Citizen.org petitions with over 200 signatures online and 125 collected door to door. She also sang a song in opposition of this project and her water concerns.
14. **Juliet Kapsis, 31 Sharon Road,** member of the Wintonbury Land Trust pleaded with the Council to reconsider the tax abatement agreement.
15. **Billie Alban, Seabury Retirement Community,** reminded Council of the importance in of the largest fresh water country in the world and how precious water is during these times.

16. **Senator Beth Bye, 99 Outlook Road, West Hartford, CT** is a longtime opponent of bottled water and water as public asset should not be privatized. Senator Bye and State Representative Baram will collaborate together on transparency with water restrictions and introduce legislation on any restriction. Some of their initial concerns will address: water bottling operations will cease, quantifying value of water and infrastructure going to private companies, MDC discounted rate and a plan to strengthening state laws.
17. **Al Mercier, 29 Kenmore Road,** reconsider and commit to due diligence of the Council regarding this project.
18. **Anne Hulick, 2074 Park Street, Suite #308, Hartford, CT,** the State Director for Clean Water Action, a national non-profit organization for the past 40 years requested a 2<sup>nd</sup> opinion to terminating the binding contract with Niagara.
19. **Kim Chamerda, 11 Burnwood Drive,** stated that she was very impressed in amount of research from citizens and disappointed with the lack of transparency in the process.
20. **Richard Dorr, 758 Cottage Grove Road,** referenced this as a global issue to conserve water and avoid further pollution.
21. **Ayse Ozkaya, 56 Filley Street,** was passionate about living in town, the important of how was is so precious and encouraging the Council to reconsider their decision.
22. **Anne Gustafson, 21 Prospect Street,** requested a second legal opinion on what it would cost the town to terminate the binding contract with Niagara. She stated that Connecticut is 1 of 2 states in the nation with state laws that prohibit treated sewage in drinking water.

## **REPORT FROM COUNCIL SUBCOMMITTEES**

**Community Services** – Councilor Seldon gave a brief report from of upcoming activities and programs from Social & Youth Services, Leisure Services and Senior Services.

**Land Use & Economic Development** – This subcommittee met on January 18, 2016 to discuss the new legislative law regarding tax increment financing, the sale of town owned property located at 97 Granby Street and an update on Wintonbury Mall.

**Committee on Committees** – This subcommittee report will be deferred for discussion under Council business.

**Public Safety** – Councilor Washington read a detailed report of the last meeting held on January 11, 2016.

Finance – Councilor Hypolite gave a brief summary of this subcommittee meeting held on January 19, 2016. He outlined the following updates:

- Nominal cuts from the State of Connecticut approved budget FY 15/16 were absorbed, however this will be a challenge for the next 2 fiscal years.
- Tax collection rate has increased.
- Comprehensive review of overall tax abatement, reviewing new parameters guided by particular principles in the process.
- Suggested that the Land Use & Economic Development and Administration/Education subcommittees to participate in tax abatement review.

As the town moves forward regarding tax abatements, the process should be flawless, due diligence of the Council should be in order, proper vetting and analysis with various entities involved in the process.

Golf – Councilor Rivers responded to resident complaint regarding walking on the golf course. He stated that new signage has been posted. Residents can walk on the course when it is closed. Councilor Rivers stated that he will contact this resident and invite her to the next Golf subcommittee meeting for further discussion, if desired.

## **COUNCIL BUSINESS**

### **OLD BUSINESS**

#### **FY 15/16-12: Consider and Take Action Regarding the Sale of 97 Granby Street**

Deputy Mayor Schulman excused himself from this matter due to a potential conflict of interest. It was noted that notice be given to the abutters and that the abutting property owners be given rights of first refusal with respect to any offers that the Town may receive as a result of the Request for Proposal (RFP).

**It was moved by Councilor Hypolite, seconded by Councilor Seldon to authorize the Town Manager to put out a Request for Proposal (RFP) with respect to the sale of the 97 Granby Street property along with the recommendations of the Land Use & Economic Development Subcommittee as outlined in Mr. Jose Giner's January 22<sup>nd</sup> memorandum.**

**VOTE:            AYE: J. Gamble, J. Washington, W. Hypolite, L. Rivers, D. Seldon, J. Neuwirth, P. DeLorenzo**  
**NAY: None**  
**ABSTAIN: S. Schulman**

**The motion carries 8-0-1.**

### **FY 15/16-44: Niagara Bottling**

Town Attorney Marc Needelman has issued a formal legal opinion, wherein he examined State of Connecticut law, and is of the opinion that there is a binding contract in effect; meaning legally the town is not permitted to ignore, change or modify terms of agreement.

This opinion was based upon the facts that, at the regularly scheduled Town Council meeting on December 14, 2015, a motion was made to approve the proposed tax abatement agreement. This motion was approved unanimously by all members of the Council present. The Council also authorized the Town Manager to execute a written agreement reflecting the resolution that it be approved.

In addition, that agreement was finalized and delivered to Niagara's representatives. This agreement was executed by Niagara on January 8, 2016. The town received the contract from Niagara on the same date and the Town Attorney reviewed it, with no changes made. The Town Manager executed the document on January 11, 2016.

Attorney Needelman was also informed by Niagara's counsel that the company entered into an agreement to purchase the real estate on Woodland Avenue, pending an imminent closing with the property owner.

Attorney Needelman included in his legal opinion, Connecticut law references regarding contracts. It was also noted that the delivery of a memorandum, a document of agreement signed is not essential to the requirement of the state statutes of fraud.

There was some discussion regarding parliamentary rules and procedures, Attorney Needelman explained:

#### **Motion to reconsider**

Sec. 37 of Robert's Rules of Order can only be made on the same day as the vote to reconsider was taken. It was appropriately ruled by the Chair as out of order. In addition, a Motion to reconsider cannot be applied to an affirmative vote in nature of a contract, when the party to the contract has been notified of the outcome.

#### **Motion to rescind**

Sec. 35 of Robert's Rules of Order is not in order when something has been done as a result of the vote on the main motion, which is impossible to undo.

Attorney Needelman stated that there would be significant legal exposure, risk and monetary damages to the town, if contractual obligations are not honored as set forth in the agreement.

Councilor Hypolite requested to postpone the delivery of the contract to give the citizenry an opportunity to ask questions of Niagara, which did not occur.

There were comments made about the process to seek more transparency at the state level and have companies identify who they are and what they represent.

Councilor Hypolite recommended the following tax abatement principles:

- Seek more transparency of applicants – i.e. Identify who the applicant represents and the relationship with the potential developer/landowner
- Conduct an independent review of the applicant/developer/company, and identify the source of documents provided
- Conduct a Financial review of the company to include their profitability and sustainability
- Schedule a Public Hearing on all potential tax abatements in excess of 1.5% of the town budget
- Seek advisory opinion and comments from local boards & commissions on issues that falls within their purview

Councilor Hypolite also requested a temporary moratorium pending the approval of a majority consensus from Town Council members.

Councilor Seldon requested clarification on postponing this motion, not to rescind or revoke. He stated that he was disappointed with Niagara for not being present for this meeting, negating the public's request and cautioned their incentives to abide by other requests from the town such as hiring Bloomfield residents and possible set aside for minority contractors.

Attorney Needelman restated the timeline of the execution of the binding contract. The law on contracts trumps Robert's Rules of Order procedures.

Councilor Rivers stated that only those persons present would only be eligible to request this motion. Attorney Needelman wrote a legal opinion on rescinding not postponing.

Councilor Neuwirth expressed concerned about the legal impact on the town and is very receptive to the outpouring of concern for Niagara coming to Bloomfield. He suggested that the emotional opinions should not be a factor in the decision of the Council.

Councilor Washington stated that when this decision was made to bring Niagara to Bloomfield, the Council did not have no idea of the opposition and public outrage of the project. The Council had its best intentions of protecting the town and not all are in agreement with the Council's decision to support this project.

## **NEW BUSINESS**

### **FY 15/16-45: Consider and Take Action Regarding Proposed Amendment to Section 6-2: Permit fees; waivers**

This item was deferred to the Administration/Education Subcommittee for further review and discussion. If this subcommittee recommends this item for Council action at the next scheduled meeting, a Public Hearing is required to solicit public comments regarding the amendment.

### **FY 15/16-46: Consider and Take Action Regarding Adoption of Schedule – Budget Meeting**

**It was moved by Councilor Neuwirth, seconded by Councilor Rivers and voted unanimously to approve the schedule for 2016/2017 budget meetings:**

## **ADOPTED - NOTICE OF SPECIAL MEETINGS**

### **Bloomfield Town Council**

In accordance with Section 3 of the Rules of Procedure, the Bloomfield Town Council will hold special meetings for the purpose of discussing the proposed 2016/2017 budget on the following days:

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#### 2016/2017 Budget Schedule Bloomfield Town Council

Thursday, March 10th 7:00 p.m.

Budget overview by Town Manager;  
Board of Education\*\*

Tuesday, March 15th 7:00 p.m.

Planning; Boards & Agencies; Library;  
Senior Services; Social & Youth Services;  
and Leisure Services

Thursday, March 17th 7:00 p.m.

Revenue, Expenditures and Capital  
Improvements; and Facilities & Public  
Works



|                                |   |
|--------------------------------|---|
| Tuesday, March 22nd 7:00 p.m.  | Public Hearing; Public Safety; General Government |
| Thursday, March 24th 7:00 p.m. | Council Deliberation/Action                       |
| Tuesday, March 29th 7:00 p.m.  | Council Deliberation/Action (if needed)           |
| Monday, May 2nd 7:00 p.m.      | Annual Town Meeting***                            |

Unless otherwise noted, all of the above meetings will be held during 2016 in Conference Room #5, Bloomfield Town Hall, 800 Bloomfield Avenue, Bloomfield, Connecticut for the purpose of discussion of the Town Manager's proposed budget for fiscal year 2016/2017.

\*\*Town Council Chambers

\*\*\*Bloomfield High School Auditorium

**FY 15/16-47: Consider and Take Action Regarding Reappointment of the Conservation, Energy and Environment Committee Members (CEEC)**

**It was moved by Councilor Washington, seconded by Councilor DeLorenzo to appoint the following individuals to the CEEC:**

|                         |                      |
|-------------------------|----------------------|
| Alan S. Budkofsky (R)   | 41 Burnwood Drive    |
| George Kevin Gough (D)  | 5 Bear Ridge Drive   |
| Wesley David Hager (D)  | 8 Duncaster Road     |
| Marie F. MacDonald (R)  | 6 Timothy Lane       |
| David M. Mann (D)       | 1 Adams Road         |
| Vikki Reski (D)         | 52 Duncaster Road    |
| Valerie A. Rossetti (G) | 88 Kenmore Road      |
| Zellene Sandler (D)     | 22 Rundelane         |
| Venessa Spence (U)      | 76 Wintonbury Avenue |

**VOTE:**                   **AYE: J. Gamble, S. Schulman, L. Rivers, D. Seldon, J. Washington, P. DeLorenzo, W. Hypolite**  
**NAY: J. Neuwirth**  
**ABSTAIN: None**

**The motion carries, 8-1-0**

**FY 15/16-48: Consider and Take Action Regarding Appointments to the Bloomfield Parks and Recreation Committee**

**It was moved by Councilor Washington, seconded by Councilor Neuwirth and voted unanimously to appoint the following individuals to the Parks and Recreation Committee:**

|                         |                    |
|-------------------------|--------------------|
| Donna M. Banks (D)      | 9 Diana Drive      |
| Louis B. Blumenfeld (D) | 10 Stuart Drive    |
| Clifton Cooper (D)      | 26 Joyce Street    |
| Marc Jordan DeSousa (R) | 42 Silo Way        |
| Gail Nolan (R)          | 157 Duncaster Road |

**FY 15/16-49: Consider and Take Action Regarding Appointment to the Commission on Aging**

**It was moved by Councilor Washington, seconded by Councilor DeLorenzo and voted unanimously to appoint Susan Odoms (R), 24-B Dorothy Drive to the Commission on Aging.**

**FY 15/16-50: Consider and Take Action Regarding Reappointment of the EMS Committee Members**

**It was moved by Councilor Washington, seconded by Councilor Rivers and voted unanimously to reappoint the following individuals to the EMS Committee:**

|                          |                   |
|--------------------------|-------------------|
| Louis B. Blumenfeld (D)  | 10 Stuart Drive   |
| Patrick J. Braun (D)     | 21 Milburn Drive  |
| Phillips Brown (D)       | 24 Woods Road     |
| James W. Dailey, Jr. (R) | 32 Nolan Drive    |
| Margaret S. Ehrhardt (U) | 255 Tunxis Avenue |
| Katherine Haller (R)     | 32 Scott Drive    |
| Mary K. Laiuppa (U)      | 294 School Street |
| Susan H. Zetoff (D)      | 50 Foothills Way  |

**Mayor's Report**

No report at this time.

## Town Manager's Report

Mr. Schenck, Jr., Town Manager reported the following updates to the Town Council:

On January 30, 2016, a Council Retreat will be held at The First Cathedral. The main focus of this retreat is the continuation of Building Leadership Clarity.

The first significant snowstorm of the season was mild. There were no repairs or replacement for resident mailboxes.

The Budget session review for operating budgets is underway with department heads.

The Bloomfield Center Business Alliance met on January 25, 2016 at Carbone's Kitchen. There was a presentation made by Eversource regarding the Business Energy Solutions program. They also received status updates of town projects that effect the Town Center. Carbone's Kitchen stated that they would like to plan a major fundraiser for CCMC in conjunction with Celebrate Bloomfield for this summer.

The Annual Town report was sent to the residents and the response has been great!

Capital Improvement Projects:

- Library Building Committee has been meeting regularly.
- Filley Park Fundraising Committee will meet on January 27, 2016 with Jonathan Thiesse Town Engineer and Fuss & O'Neil

Mr. Schenck, Jr., gave a brief update regarding apartment projects in town, Douglas Street/The First Cathedral have submitted their TPZ application for 41 units of senior housing.

The Calamar Association is considering the site at the corner of Wintonbury Avenue and Blue Hills Avenue, 140 units of affordable units of senior housing.

## APPROVAL OF MINUTES

**It was moved by Deputy Mayor Schulman, seconded by Councilor Neuwirth to approve the minutes of January 11, 2016.**

**VOTE:        AYE: J. Gamble, S. Schulman, J. Washington, W. Hypolite, L. Rivers, J. Neuwirth, J. Merritt, D. Seldon**  
**NAY: None**  
**ABSTAIN: P. DeLorenzo**

**The motion passes: 8-0-1**

## **COUNCIL COMMENTS**

Councilor DeLorenzo thanked the Interfaith Association and First Congregational Church for hosting the Martin Luther King Day Celebration held on January 18, 2016, very well attended. He also agreed with Councilor Hypolite regarding comments about tax abatement process review. Councilor DeLorenzo also encouraged residents to support the Bloomfield Food Bank.

Deputy Mayor Schulman stated that the public present during Citizens Statements & Petitions some good points about transparency issues with other town agencies. Deputy Mayor Schulman reassured residents that no agreements were made with the Town of Bloomfield and Niagara regarding confidentiality agreements.

Councilor Washington informed the Town Manager of resident concerns at 17 Craigmere Road. There are some concerns regarding an Eversource easement right. They also stated that glass and trash is always in the street and dogs roam around the neighborhood without leashes. Councilor Washington further stated that transparency on all levels with other town boards and commissions as well as from clarification from the State of Connecticut.

Councilor Hypolite commended Mayor Gamble on conducting the meeting. He also reiterated the importance of Council consensus on suggested tax abatement principles.

Councilor Rivers stated that the Niagara agreement was reasonable for all to agree. It was noted that the Council based their decision on what they thought was the best for the town.

Councilor Seldon commended the residents who were passionate about an issue they care about. They represent in record numbers and urged Council to pay close attention to the residents and their opinions.

## **ADJOURNMENT**

**At 11:12 p.m., it was moved by Councilor Washington, seconded by Councilor Neuwirth and voted unanimously to adjourn the meeting.**